

**ABCR Legislative Update**  
**April 9, 2010**

**Bill Status:** SB 564 was introduced in the House yesterday by Rep. McClendon and assigned to the Boards and Commissions Committee. It now needs to receive a favorable report from the Boards and Commissions Committee and then receive a 2<sup>nd</sup> and 3<sup>rd</sup> reading in the House to be passed into law (having already passed the same procedure in the Senate this week). Although ABCR and ACRA are working in unison to ensure that this legislation is passed, we are running out of time. The following are the legislative days left in this session:

Tuesday, April 13<sup>th</sup>  
Wednesday, April 14<sup>th</sup>  
Wednesday, April 21<sup>st</sup>  
Thursday, April 22<sup>nd</sup>

**The Politics:** The Alabama Sunset Committee introduced standard sunset legislation to continue ABCR for two years. Substantial amendments were then placed on the legislation which has created significant delays. It is generally understood and instructed by the Sunset Review Committee that sunset legislation only have cosmetic changes and nothing controversial in order to prevent this very problem. We have been assured by both Senate and House Members spoken to that they know the importance of having licensure for Court Reporters in Alabama and they all understand that **if this Sunset Bill does not pass, the Board will cease to exist in October.** Negotiations this week resulted in all contracting language being deleted from the Bill since this was the most controversial language creating further delays. Once we had an agreement to strike the contracting language by all interested parties, the Bill went to the Senate floor where it was amended to strike the contracting language and received its 3<sup>rd</sup> reading and subsequently was passed out of the Senate.

**Now What:** SB 564 will be reviewed by the Boards and Commissions Committee on Tuesday, April 13<sup>th</sup> at 12:45 p.m. in the Press Room in the House Chamber. Once this Committee gives the bill a favorable report, it could then receive its 2<sup>nd</sup> and 3<sup>rd</sup> reading in the House. However, it must be on the House Calendar in order to do so. The Rules Committee approves bills for the calendar, and we need them to place it on the calendar as soon as possible (They meet again on April 13<sup>th</sup> at 12:30 p.m. in Room 617). Therefore, you will find below a listing of the Rules Committee and we ask for your help in contacting them to request that SB 564 be placed on the Calendar as soon as possible or the ABCR will be no more. If that should happen, there will be no public protection assuring receiving timely or accurate testimony, no protection against conflicts of interest, lack of confidentiality, etc. For court reporters, the elimination of ABCR would mean a reduced professional credential and less protection against replacement by electronic recording. Please contact the Rules Committee Members and also your own Representative today (you can locate your Representative at [www.legislature.state.al.us](http://www.legislature.state.al.us)).

## **Rules Committee Members**

**Representative Ken Guin, Chair (D)**

**House Majority Leader**

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**Rep. Ronald G. Johnson (R)**

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Bob Riley  
Governor

# STATE OF ALABAMA

## Alabama Board of Court Reporting

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### **"What This Bill Does"**

#### **SB 564 Sunset Bill**

#### **The Alabama Board of Court Reporting**

**Sponsors: Senator Dixon & Representative McClendon**

SB 564 is the Sunset Bill for the Alabama Board of Court Reporting. This legislation would continue the Board for two years with changes. **THIS BILL MUST PASS THIS SESSION OR THE BOARD WILL CEASE TO EXIST** (After 30 years of the Alabama Court Reporters Association working to create a licensure board). The following amendments have been added to this bill:

1. **Requirements for Board Membership** - This bill would lower the standard for Board membership by eliminating the requirement to pass the national licensure examination for court reporter members of the Board.
2. **Update Language** - Replace the language, "Alabama Judicial Conference" with "Administrative Office of Courts" since the Alabama Judicial Conference no longer exists. This language was presented in our original sunset legislation by the Sunset Review Committee and is simply a cosmetic change. This amendment would correct a finding of the Examiners of Public Accounts.
3. **Continuing Education** - Would allow for continuing education courses to be provided by the Alabama State Bar. Although ABCR already has a history of approving continuing education credit provided by the Alabama State Bar, this would simply provide for it in statute.
4. **Board Liability** - Would provide for the Board to sue and be sued as the result of disciplinary action taken against any licensee or any person who violates the statute. We anticipate that this language will correct a finding of the Examiners of Public Accounts.
5. **Temporary Licensure** - Provide for an 18 month temporary licensure to practice court reporting for individuals who have graduated from a court reporting school. Further, the Board would not be held liable for loss of income to the temporary licensee or court reporting firm should the individual not pass the examination after the temporary license has expired.

1 SB564  
2 120204-4  
3 By Senator Dixon  
4 RFD: Economic Expansion and Trade  
5 First Read: 23-MAR-10

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to the Alabama Sunset Law; to continue the  
12 existence and functioning of the Alabama Board of Court  
13 Reporting until October 1, 2012, with certain modifications;  
14 to amend Sections 34-8B-4, 34-8B-5, 34-8B-8, 34-8B-9, and  
15 34-8B-15, Code of Alabama 1975, so as to delete reference to  
16 the Alabama Judicial Conference; to provide for the  
17 appointment of a board member by the Chief Justice from a list  
18 of nominees provided by the Administrative Office of Courts;  
19 to allow court reporters to use approved continuing legal  
20 education courses for continuing education; to limit the  
21 admissibility of depositions; to limit the liability of the  
22 board; and to provide for a temporary graduate license for  
23 graduates of court reporting schools.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Pursuant to the Alabama Sunset Law, the  
26 Sunset Committee recommends the continuance of the Alabama  
27 Board of Court Reporting until October 1, 2012, with the

1 additional recommendations for statutory change as set out in  
2 Section 3.

3 Section 2. The existence and functioning of the  
4 Alabama Board of Court Reporting, created and functioning  
5 pursuant to Sections 34-8B-1 to 34-8B-18, inclusive, Code of  
6 Alabama 1975, is continued until October 1, 2012, is  
7 continued, and those code sections are expressly preserved.

8 Section 3. Sections 34-8B-4, 34-8B-5, 34-8B-8,  
9 34-8B-9, and 34-8B-15 of the Code of Alabama 1975, are amended  
10 to read as follows:

11 "§34-8B-4.

12 "(a) There is created the Alabama Board of Court  
13 Reporting. The board shall be operative within 60 days of June  
14 1, 2006. ACRA shall provide administrative support to the  
15 board until such time as the board employs sufficient  
16 employees to implement and administer this chapter.

17 "(b) The board shall consist of seven members as  
18 follows:

19 "(1) Four court reporters certified ~~at a~~  
20 ~~professional level~~ by ABCR, NCRA, or NVRA, or by the board, two  
21 of whom shall be employed in official capacities and two of  
22 whom shall be employed in a freelance setting.

23 "(2) Two members in good standing with the Alabama  
24 State Bar Association.

25 "(3) One additional member ~~in good standing with the~~  
26 ~~Alabama Judicial Conference.~~

1           "(c) Appointments to the board shall be made as  
2 follows:

3           "(1) The Governor shall appoint one official court  
4 reporter, one freelance court reporter, and one member of the  
5 Alabama State Bar Association. ACRA, NCRA, NVRA, and the  
6 Alabama State Bar Association shall respectively submit a list  
7 of three names for each appointment to the Governor for  
8 consideration.

9           "(2) The Lieutenant Governor shall appoint one  
10 member of the Alabama State Bar Association from a list of  
11 three names submitted by the Alabama State Bar Association.

12           "(3) The President Pro Tempore of the Senate shall  
13 appoint one member who is an official court reporter from a  
14 list of three names submitted by ACRA.

15           "(4) The Speaker of the House of Representatives  
16 shall appoint one member who is a freelance court reporter  
17 from a list of three names submitted by ACRA.

18           "(5) The Chief Justice of the Alabama Supreme Court  
19 shall appoint one member ~~who is a member of the Alabama~~  
20 ~~Judicial Conference~~ from a list of three names submitted by  
21 the ~~Alabama Judicial Conference~~ Administrative Office of  
22 Courts.

23           "(d) All members of the board shall be citizens of  
24 the United States and the State of Alabama. The lists of names  
25 shall be submitted by the designated organizations on or  
26 before June 1, 2006. The initial terms shall begin January 1,



1 2007, and all appointments shall be made prior to January 1 of  
2 every year.

3 "(e) The initial members shall serve the following  
4 terms as designated by the Governor:

5 "(1) Three members shall serve for two years.

6 "(2) Two members shall serve for three years.

7 "(3) Two members shall serve for four years.

8 "(f) Subsequent terms of office shall be for four  
9 years. No member shall serve more than two consecutive terms.  
10 In the event of a vacancy, the appointing authority for the  
11 position shall fill the vacancy. Each member shall serve until  
12 his or her successor is duly appointed and qualified.

13 "(g) The membership of the board shall be inclusive  
14 and reflect the racial, gender, geographic, urban/rural, and  
15 economic diversity of the state. The board shall annually  
16 report to the Legislature by the second legislative day of  
17 each regular session to what extent the board has complied  
18 with the diversity provisions provided for in this subsection.

19 "(h) At its first meeting each calendar year, the  
20 board shall elect a chair, vice chair, and secretary from its  
21 membership. No member shall be elected to serve more than two  
22 consecutive years in the same office.

23 "(i) After the initial appointments have been made,  
24 the board shall meet by January 2007, for the purpose of  
25 organizing and transacting business. Thereafter, the board  
26 shall meet not less than twice annually and as frequently as  
27 deemed necessary by the chair or a majority of the members.

1 The board shall meet at such time and place as designated by  
2 the board. A quorum shall consist of four members.

3 "(j) Board members shall receive the same travel  
4 expenses and per diem as state employees pursuant to Article  
5 2, commencing with Section 36-7-20, Chapter 7, Title 36. The  
6 compensation and expenses shall be paid out of the funds of  
7 the board. Reimbursement shall not be made if funds are  
8 insufficient.

9 "§34-8B-5.

10 "The board shall have all of the following duties  
11 and responsibilities:

12 "(1) Act on matters concerning competency licensure  
13 only and the process of granting, suspending, reinstating, and  
14 revoking a license.

15 "(2) Establish a procedure for the investigation of  
16 complaints against licensed court reporters and for the  
17 conduct of hearings in which complaints are heard.

18 "(3) Set a fee schedule for granting licenses and  
19 renewals of licenses subject to the Alabama Administrative  
20 Procedure Act.

21 "(4) Maintain a current register of licensed court  
22 reporters and a current register of temporarily licensed court  
23 reporters. Registers shall be matters of public record.

24 "(5) Maintain a complete record of all proceedings  
25 of the board.

26 "(6) Submit an annual report detailing the  
27 proceedings of the board to the Governor for the previous

1 fiscal year and file a copy of the report with the Secretary  
2 of State.

3 "(7) Adopt continuing education requirements no  
4 later than October 1, 2007. Requirements shall be implemented  
5 no later than January 1, 2008, and shall include all courses  
6 approved by the Alabama State Bar for continuing legal  
7 education.

8 "(8) Determine the content of and administer  
9 examinations to be given to applicants for licensure as  
10 certified court reporters and issue numbered licenses to  
11 applicants found qualified.

12 "(9) Maintain records of its proceedings and a  
13 register of all persons licensed by the board which shall be a  
14 public record and open to inspection.

15 "§34-8B-8.

16 "After January 1, 2007, any person who undertakes or  
17 attempts to undertake the practice of court reporting for  
18 remuneration without first having procured a license, or who  
19 knowingly presents or files false information with the board  
20 for the purpose of obtaining a license or who violates this  
21 chapter shall be guilty of a Class C misdemeanor. A person who  
22 is not licensed may not bring or maintain an action to recover  
23 fees for court reporting services that he or she performed in  
24 violation of this chapter. Whenever it appears to the board  
25 that any court reporter has violated this chapter, the board  
26 may, in its own name, petition the circuit court of the county  
27 in which the violation occurred to enjoin the violation.

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Senate

Read for the first time and referred to the Senate committee on Economic Expansion and Trade .....	23-MAR-10
Reported from Economic Expansion and Trade as Fa- vorable with 1 amendment .....	30-MAR-10
Read for the third time and passed as amended ...	06-APR-10

Yeas 20
Nays 5
 McDowell Lee
Secretary